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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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First Named Inventor : Zuo-Yu Zhao  
Application Number : 08/963,096  
Filing Date : 11/03/1997  
Title : Methods for Agrobacterium-Mediated Transformation

Group/Art Unit : 1638  
Examiner : Nelson, Amy J.

Attorney Docket Number : 0448D

Assistant Commissioner for Patents  
Washington, D.C. 20231

**FILING OF AN INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97(c),  
AND CERTIFICATION UNDER 37 CFR 1.97(e)(2)**

Information Disclosure Statement. The attached list of citations on PTO Form 1449 is being submitted under the provisions of 37 CFR 1.56 and 1.97 in order to comply with the duty of disclosure. Their inclusion herein should not, however, be construed as an admission that any particular cited reference is effective prior art or that it discloses or renders obvious any aspect of the claimed invention. Copies of each are enclosed, except for those references already part of the filewrapper. This statement is being filed with the required Certification and without any fee, in accordance with the provisions of 37 CFR 1.97(c)(1) and (2), i.e., before a Final Action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311.

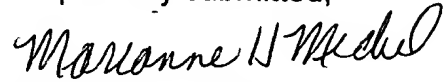
Statement of Certification. The undersigned hereby certifies:

that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information

Serial No. 08/963,096  
Group Art Unit: 1638

Disclosure Statement was known to any individual designated in 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



Marianne H. Michel  
Attorney for Applicant(s)  
Registration No. 35,286

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**SUPPLEMENTAL COMMENTS**

Further in response to the Office Action mailed September 3, 2002, a 1449 IDS form is provided listing a recent court decision, Plant Genetic Systems, N.V. and Biogen, Inc. v. DeKalb Genetics Corporation (Fed. Cir. 2003). The Federal Circuit affirmed the evidentiary findings and conclusion of the district court that Goldman et al. did not provide an enabling disclosure for Agro transformation of monocots (Id. citing Plant Genetic Sys., 175 F. Supp. 2d 246, at 255-64 (D. Conn)).

The Examiner's consideration of the enclosed case and allowance of the claims in the above-identified application is respectfully requested.

Respectfully submitted,

Marianne H. Michel  
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PTO/SB/92 (08-00)  
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## Certificate of Mailing under 37 CFR 1.8

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- 1) Supplemental Comments
- 2) Filing of an Information Disclosure Statement & Certification
- 3) PTO Form 1449A
- 4) 1 IDS Reference

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